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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,697	07/20/2001	Kazutaka Matsueda	35.G1362 D	1944
5514	7590	01/12/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GARCIA, GABRIEL I	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/908,697

Applicant(s)

MATSUEDA ET AL.

Examiner

Gabriel I Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/352,883.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirosawa et al. (5,557,736).

With regard to claim 23, Hirosawa et al. teaches a data processing apparatus (1) connectable to a LAN (4), comprising: an input unit adapted to input data (inherently reads in the data input to the computer 1, such as a keyboard); a storage unit (12) adapted to store data the data inputted (e.g. col. 5, lines 6-

10); an identification unit adapted to obtain user information about a user for whom the data inputted by said (reads on figs. 2-4); a transfer unit (e.g. col. 5, lines 1-5) adapted to transfer the data inputted by said input unit to a terminal (20a or 2, 5 or 7) connected to the LAN (e.g. reads on fig. 75 and 76, and col. 30, lines 48-67), when it is impossible to store data inputted by the input unit in the storage unit (reads on col. 5, lines 1-19); and a generation unit adapted to generate a predetermined notification, based on the user information obtained by the identification unit, to notify the user that the data has been transferred by said transfer unit, the notification including information indicating the terminal to which the data is transferred by the transfer unit (reads on the abstract, and figs. 1,5,7, and 9 which describes how a data processing apparatus has connection to different terminal and can communicate with these terminal connected within the LAN, and figs. depict how the user is inform that the data has been transferred to another terminal, and a sending unit (11), adapted to send the predetermined notification generated by said generation unit to the user corresponding to the user information obtained by said identification unit as mail (reads on abstract and figs. 1,5,7, and 9, which depicts how the user gets notify by sending an email).

With regard to claim 24, Hirosawa et al. further teaches a storage unit adapted to store information used to discriminate to which terminal the data is transferred by said transfer unit (reads on abstract and figs. 1,5,7, and 9).

With regard to claim 25, Hirosawa et al. further teaches the transfer unit transfers the data inputted by said input unit when a printer (18a) for printing the data is in an error state (reads on fig. 1).

With regard to claims 26 and 27, the limitations of claims 26 and 27 are covered by the limitations of the claims 23-25 above, which teach the means and the steps to produce the limitations of claim 26. The steps described above, can be program and stored in the memory (6) of the server of Hirosawa et al. to produce the process code as claimed by claim 27.

With regard to claims 28-30, the limitations of claims 28-30 are covered by the limitations of the claims 23-25 above, which teach the means and the steps to produce the limitations of claim 26, and Hirosawa et al. further teaches a receiver, adapted to receive data through a communication line from a sender (inherently reads on fig. 1, line 27, which allow the computer to receive data from a sender 5-7, using the LAN 4).

With regard to claims 31-32, Hirosawa et al. further inherently teaches the transfer of data in accordance with an internet

protocol and/or TCP/IP protocol (e.g. col. 3, lines 19-50, the TSS line is well known to use internet protocol as TCP/IP).

With regard to claim 33, Hirosawa et al. further teaches said transfer unit selects the data to be transferred in accordance with a priority (e.g. col. 5, lines 19-41).

Conclusion

3. Applicant's arguments with respect to claims 23-33 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gabriel I. Garcia** whose telephone number is (703) 305-8751. The examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Gabriel I. Garcia
Primary Examiner
January 7, 2005



GABRIEL GARCIA
PRIMARY EXAMINER